

REMARKS

The above amendments and these Remarks are in reply to the Office Action mailed August 4, 2009. Claims 1-17 and 19-41 were pending in the Application prior to the outstanding Office Action. The Examiner is thanked for extending the courtesy of an interview on Friday, August 28, 2009. During the interview the Applicants and Examiner discussed Riecken and a number of proposed amendments. The Examiner is thanked for helpful suggestions.

Claims 1, 24-26, 30-31, 34 and 38-41 are amended. Claim 6 is cancelled without disclaimer or prejudice. The Applicants reserve the right to prosecute cancelled claims in divisional or continuation applications. The amendments of Claims 1, 26, 34 and 38-39 are supported in the application as filed at least at paragraphs [0035], [0049], [0099], [0105] and [0157]. The amendment of Claim 24 is supported in the application as filed at least at paragraphs [0035], [0047], [0049], [0099], [0105], [0122] and [0157]. The amendment of Claim 25 is supported in the application as filed at least at paragraphs [0010], [0011], [0035], [0040], [0047]-[0049], [0054], [0099], [0104], [0105], [0115], [0116], [0121]-[0123], [0127] and [0157]. The amendments of Claims 30-31 are supported in the application as filed at least at paragraphs [0009], [0043], [0049], [0052]-[0054], [0061], [0069], [0091], [0099], [0105] and [0157]. The amendment of Claim 40 is supported in the application as filed at least at paragraphs [0035], [0049], [0091], [0099], [0105] and [0157]. Claims 1-5, 7-17 and 19-41 remain for the Examiner's consideration. Reconsideration and withdrawal of the rejections are respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-13, 15-17 and 19-41 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Riecken, "Adaptive Direct Manipulation" (hereinafter "Riecken") in view of Nelson (U.S. Publication No. 2004/0008635, hereinafter "Nelson").

Claim 6 is cancelled without disclaimer or prejudice.

Claim 1

Amended Claim 1 includes the limitation “deforming a second representation of digital content using the interaction information, wherein deforming includes scaling at least one of the first display interaction area and the second display interaction area of the first representation of digital content based on the interaction information as the second representation, wherein the scaling alters the first display interaction area relative to the second display interaction area”. Since Nelson and Riecken do not teach or suggest this limitation, they do not teach or suggest all limitations of the claim. MPEP 2143.03. As such, amended Claim 1 was not obvious at the time the invention was made.

Claim 3

Claim 3 includes the limitation “deforming a second representation includes deforming a layout of the second representation.” The Applicants respectfully submit that the layout deformation differs from active area deformation. According to the Examiner, Riecken teaches or suggests the Claim 2 limitation of active area deformation in that “each active graphical object” can “have their color changed”, page 1118, paragraph 2 and page 1117, paragraph 1. The Applicants respectfully submit that if the buttons are the active area and changing the color is deforming the active area, then changing the button spacing cannot also be layout deformation and differ from active area deformation.

Further, the Examiner states that this limitation is taught by Riecken on page 1117, paragraph 2, with the citation “their horizontal spacing may vary slightly.” The full text of this citation is given below:

“A major goal for the ADM system is to configure the compositional layout of the button matrix so as to maximize user performance. This requires explicit positioning, spacing, and sizing of the buttons to adapt to given user behavior and needs. Performance evaluation (by which the system functions) is based on the frequency in which a user touches a ‘user preferred’ target location within the buttons with specific fingers (excluding the thumb). Preferably, the user preferred target location is the center of the button. While adjusting the button matrix layout, the system attempts to maintain the symmetry of the matrix; all buttons ALWAYS remain equal in size, but their horizontal spacing may vary slightly.” Riecken, page 1117, paragraph 2, emphasis added.

Thus, the full citation of page 1117, paragraph 2 makes clear that Riecken is concerned with a heuristic analysis of user performance when interacting with an array of buttons. Because the size of buttons is held constant, the way to optimize based on the heuristic analysis is to adjust the horizontal spacing between the array of buttons. The slight horizontal spacing changes are a heuristic correction in order that the appearance does not change (but the program is optimized) and are quintessentially different from the changes initiated in the layout deformation by the Applicants. The Applicants respectfully submit that if Riecken taught or suggested a scaling, then the size of the buttons would vary during this scaling operation and thus all buttons would not ALWAYS be of the same size.

Since Nelson and Riecken do not teach or suggest this limitation, they do not teach or suggest all limitations of the claim. MPEP 2143.03. As such, Claim 3 was not obvious at the time the invention was made.

Claim 4

Claim 4 includes the limitation “first and second representation are of the same digital content.” The Examiner states that this limitation is disclosed in Riecken, page 1117, paragraph 2 and the Examiner makes the comment “the button matrix changes in appearance, but the content delivered, that of the buttons, does not change, i.e. remains the same”. The Applicants respectfully request that the Examiner identify where in the proposed cite the Examiner’s comment can be gleaned?

Since Riecken does not teach or suggest this limitation, it does not teach or suggest all limitations of the claim. MPEP 2143.03. As such, Claim 4 was not obvious at the time the invention was made.

Claim 10

Claim 10 includes the limitation “wherein monitoring user behavior while interacting with the first representation further comprises: evaluating user interaction with the interaction areas.” The Examiner states that this limitation is disclosed in Riecken, “buttons are selected by a user to initiate system actions” page 1116, paragraph 6. The Applicants respectfully traverse

the rejection. The full citation of page 1116, paragraph 6, “[v]isually, *ADM* consists of a two dimensional matrix of graphical buttons presented within the touch screen display. During a typical session with *ADM*, different combinations of buttons are selected (touched) by a user to initiate system actions,” makes clear that Riecken is making a selection from the array of buttons, not evaluating that selection. Since Nelson and Riecken do not teach or suggest this limitation, they do not teach or suggest all limitations of the claim. MPEP 2143.03. As such, Claim 10 was not obvious at the time the invention was made.

Claim 19

Claim 19 includes the limitation “wherein the first representation is not deformed when deforming the second representation.” The Examiner states that this limitation is not disclosed by Riecken, and that Nelson “...discloses the claimed aspect of different layouts for each participant ...”, Office Action, August 4, 2009, page 9, paragraph 2. The Applicants respectfully traverse the rejection, keeping different layouts is not the same as keeping a non deformed version of the first representation. The Applicants respectfully suggest that the Examiner is essentially stating that neither Riecken nor Nelson teach this limitation but that it would otherwise be obvious to keep an original version. Applicants respectfully submit that the fact that neither Riecken nor Nelson disclosed this limitation argues against it being obvious and that the Examiner is engaging in hindsight reasoning. Since Nelson and Riecken do not teach or suggest this limitation, they do not teach or suggest all limitations of the claim. MPEP 2143.03. As such, Claim 19 was not obvious at the time the invention was made.

Claim 20

Claim 20 includes the limitation “wherein the first and second representation are representations of the same digital content, and wherein: the second representation is deformed without modifying the digital content.” The Examiner states that this limitation is disclosed in Riecken, page 1117, paragraph 2 and the Examiner makes the comment “the button matrix changes in appearance, but the content delivered, that of the buttons, does not change, i.e. remains the same”. The Applicants respectfully request that the Examiner identify where in the proposed citation the Examiner finds support for this comment? Since Nelson and Riecken do

not teach or suggest this limitation, they do not teach or suggest all limitations of the claim. MPEP 2143.03. As such, Claim 20 was not obvious at the time the invention was made.

Claim 24

Amended Claim 24 includes the limitation “deforming a second representation of digital content on a second device using the interaction information, wherein deforming includes scaling a portion of at least one of the first display interaction area and the second display interaction area of the first representation of digital content based on the interaction information as the second representation, wherein the scaling scales only a portion of the first display interaction area and the second display interaction area relative to the first representation”. Since Nelson and Riecken do not teach or suggest this limitation, they do not teach or suggest all limitations of the claim. MPEP 2143.03. As such, amended Claim 24 was not obvious at the time the invention was made.

Claim 25

Amended Claim 25 includes the limitation “wherein said deforming step includes at least one of deforming the first representation using interaction information determined from interaction with the second representation and deforming the second representation using interaction information determined from interaction with the first representation, wherein deforming includes scaling text contained in at least one of the first display interaction area and the second display interaction area of the first representation of digital content based on the interaction information as the second representation, wherein the scaling scales only the text contained in the first display interaction area and the second display interaction area relative to the first representation”. Since Nelson and Riecken do not teach or suggest this limitation, they do not teach or suggest all limitations of the claim. MPEP 2143.03. As such, amended Claim 25 was not obvious at the time the invention was made.

Claim 26

Amended Claim 26 includes the limitation “deforming the representation of the digital content using the interaction information, wherein deforming includes scaling at least one of the

first display interaction area and the second display interaction area of the first representation of digital content based on the interaction information as the second representation, wherein the scaling scales one of the first display interaction area and the second display interaction area relative to the first representation”. Since Nelson and Riecken do not teach or suggest these limitations, they do not teach or suggest all limitations of the claim. MPEP 2143.03. As such, amended Claim 26 was not obvious at the time the invention was made.

Claim 29

Claim 29 includes the limitation “wherein the first digital content is a first web page and the second digital content is a second web page.” The Examiner directs the Applicants to his rejection of either Claim 28 or Claim 5 for the explanation of how the limitations have been met. The Examiner’s comments regarding Claim 28 in turn direct the Applicants to his rejection of Claims 26 and 1. The rejection of Claim 26 in turn directs the Applicants to the Examiner’s comments regarding Claims 1 and 9. The Applicants respectfully remind the Examiner that “[i]n order to provide a complete application file history and to enhance the clarity of the prosecution history record, an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application.” MPEP 707.07(f). Applicants would respectfully like to make a record of the fact that this is not a clear explanation of the grounds for the rejection.

The Applicants note that the Examiner has identified, in Nelson, the Abstract and paragraphs [0003] and [0005] as teaching or suggesting one member of the Markush group of Claim 5. However, the Applicants note that a word search reveals that neither Riecken nor Nelson contain the words ‘web’ or ‘page’. The Applicants respectfully request that the Examiner make clear whether he relies upon Nelson or Riecken to teach or suggest ‘wherein the first digital content is a first web page and the second digital content is a second web page’. Since Nelson and Riecken do not teach or suggest this limitation, they do not teach or suggest all limitations of the claim. MPEP 2143.03. As such, Claim 29 was not obvious at the time the invention was made.

Claim 30

Amended Claim 30 includes the limitation “determining interaction information from the user behavior, wherein the interaction information includes identifying the first display interaction area and at least the second display interaction area from the user behavior with the first representation of digital content and the order in which the first display interaction area and at least the second display interaction area of the first representation of digital content are selected, wherein deforming includes scaling one or more pixels selected in at least one of the first display interaction area and the second display interaction area of the first representation of digital content based on the interaction information as the second representation, wherein the scaling scales only the one or more pixels selected in the first display interaction area and the second display interaction area relative to the first representation”. Since Nelson and Riecken do not teach or suggest this limitation, they do not teach or suggest all limitations of the claim. MPEP 2143.03. As such, amended Claim 30 was not obvious at the time the invention was made.

Claim 31

Amended Claim 31 includes the limitation “modifying the digital content based on the interaction information, wherein deforming includes scaling two or more pixels selected in at least one of the first display interaction area and the second display interaction area of the first representation of digital content based on the interaction information as the second representation, wherein the scaling scales only the two or more pixels selected in the first display interaction area and the second display interaction area relative to the first representation”. Since Nelson and Riecken do not teach or suggest this limitation, they do not teach or suggest all limitations of the claim. MPEP 2143.03. As such, amended Claim 31 was not obvious at the time the invention was made.

Claim 32

Claim 32 includes the limitation “wherein a representation of the digital content is deformed in accordance with the interaction information when presented on the device.” The Examiner directs the Applicants to Claims 1 and 13. However, neither Claim 1 nor Claim 13

includes the phrase ‘digital content’. Riecken does not use the words ‘digital’ or ‘content’. The Examiner introduces Nelson in this Office Action (but not in the rejection of this claim) because Reicken does not teach or suggest digital content. The Examiner does not refer to Nelson directly in the rejection of this claim or in the rejection of Claims 1 and 13. “In order to provide a complete application file history and to enhance the clarity of the prosecution history record, an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application.” MPEP 707.07(f). Since Nelson and Riecken do not teach or suggest ‘wherein a representation of the digital content is deformed in accordance with the interaction information when presented on the device’, they do not teach or suggest all limitations of the claim. MPEP 2143.03. As such, Claim 32 was not obvious at the time the invention was made.

Claim 33

Claim 33 includes the limitation “wherein retrieving the digital content comprises: retrieving a copy of the digital content.” The Examiner directs the Applicants to the rejection of Claim 5. However, neither Claim 5 nor Nelson include the word ‘copy’. “In order to provide a complete application file history and to enhance the clarity of the prosecution history record, an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application.” MPEP 707.07(f). Since Nelson and Riecken do not teach or suggest ‘wherein retrieving the digital content comprises: retrieving a copy of the digital content’, they do not teach or suggest all limitations of the claim. MPEP 2143.03. As such, Claim 33 was not obvious at the time the invention was made.

Claim 34

Amended Claim 34 includes the limitation “wherein a representation of the digital content is deformed at the device using the interaction information, wherein the deforming includes scaling at least one of the first display interaction area and the second display interaction area of the first representation of digital content based on the interaction information as the second representation, wherein the scaling does not scale the entire first display interaction area relative to the first representation.” Since Nelson and Riecken do not teach or suggest this

limitation, they do not teach or suggest all limitations of the claim. MPEP 2143.03. As such, amended Claim 34 was not obvious at the time the invention was made.

Claim 35

The Examiner directs the Applicants to the rejections of Claims 12 and 13. The Applicants respectfully traverse the rejection. Claims 12 and 13 are not concerned with transferring a first and a second file. Riecken does not use the words ‘digital’ or ‘content’. The Examiner introduces Nelson in this Office Action (but not in the rejection of this claim) because Reicken does not teach or suggest digital content. The Examiner does not refer to Nelson directly in this rejection or in the rejection of Claims 12 and 13. “In order to provide a complete application file history and to enhance the clarity of the prosecution history record, an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application.” MPEP 707.07(f). Since Nelson and Riecken do not teach or suggest this limitation, they do not teach or suggest all limitations of the claim. MPEP 2143.03. As such, Claim 35 was not obvious at the time the invention was made.

Claim 36

The Examiner directs the Applicants to the rejections of Claims 12 and 13. The Applicants respectfully traverse the rejection. Claims 12 and 13 are not concerned with adding interaction information to the digital content of a file. Riecken does not use the words ‘digital’ or ‘content’. The Examiner introduces Nelson in this Office Action (but not in the rejection of this claim) because Reicken does not teach or suggest digital content. The Examiner does not refer to Nelson directly in this rejection or in the rejection of Claims 12 and 13. “In order to provide a complete application file history and to enhance the clarity of the prosecution history record, an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application.” MPEP 707.07(f). Since Nelson and Riecken do not teach or suggest this limitation, they do not teach or suggest all limitations of the claim. MPEP 2143.03. As such, Claim 36 was not obvious at the time the invention was made.

Claim 37

The Examiner directs the Applicants to the rejection of Claim 20. However, Claim 20 recites “wherein the first and second representation are representations of the same digital content, and wherein: the second representation is deformed without modifying the digital content.” Thus, the limitations of Claim 37 are quite different from the limitations of Claim 20. Further, the rejection of Claim 20 for Claim 37 lacks support inasmuch as the Claim 20 rejection relies entirely upon Riecken. “In order to provide a complete application file history and to enhance the clarity of the prosecution history record, an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application.” MPEP 707.07(f). Since Nelson and Riecken do not teach or suggest ‘wherein the digital content is not modified by adding the interaction information’, they do not teach or suggest all limitations of the claim. MPEP 2143.03. As such, Claim 37 was not obvious at the time the invention was made.

Claim 38

Amended Claim 38 includes the limitation “a code segment including instructions to deform a second representation of digital content using the interaction information, wherein the deforming includes scaling at least one of the first display interaction area and the second display interaction area of the first representation of digital content based on the interaction information as the second representation, wherein the scaling scales the first display interaction area and the second display interaction area relative to the first representation.” Since Nelson and Riecken do not teach or suggest this limitation, they do not teach or suggest all limitations of the claim. MPEP 2143.03. As such, amended Claim 38 was not obvious at the time the invention was made.

Claim 39

Amended Claim 39 includes the limitation “deform a second representation of digital content using the interaction information, wherein the deform includes scaling at least one of the first display interaction area and the second display interaction area of the first representation of digital content based on the interaction information as the second representation, wherein the

scaling scales the first display interaction area and the second display interaction area relative to the first representation.” Since Nelson and Riecken do not teach or suggest this limitation, they do not teach or suggest all limitations of the claim. MPEP 2143.03. As such, amended Claim 39 was not obvious at the time the invention was made.

Claim 40

Amended Claim 40 includes the limitation “means for deforming a second representation of digital content using the interaction information, wherein the deforming includes scaling the first display interaction area of the first representation of digital content based on the interaction information as the second representation, wherein the scaling scales the second display interaction area with the ratio of the scale of the first display interaction area in the second representation to the first display interaction area in the first representation.” Since Nelson and Riecken do not teach or suggest this limitation, they do not teach or suggest all limitations of the claim. MPEP 2143.03. As such, amended Claim 40 was not obvious at the time the invention was made.

Claims 2-13, 15-17, 19-23, 27-29, 32, 33, 35-37 and 41 all directly or indirectly depend from independent Claims 1, 26, 31 and 34, and are therefore believed patentable for at least the same reasons as the independent Claims 1, 26, 31 and 34 and because of the additional limitations of these claims.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claim 14 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Riecken, in view of Nelson and in further view of Robertson (“The Task Gallery: A 3D Window Manager” hereinafter “Robertson”).

Claim 14 indirectly depends from independent Claim 1, and is therefore believed patentable for at least the same reasons as the independent Claim 1 and because of the additional limitations of this claim.

In view of the above, Applicants respectfully request that the Examiner reconsider and withdraw the §103 rejections.

CONCLUSION

In light of the above, it is respectfully requested that all outstanding rejections be reconsidered and withdrawn. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this reply, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: November 4, 2009

By: /Anthony G. Craig/
Anthony G. Craig
Reg. No. 50,342

FLIESLER MEYER LLP
650 California Street, 14th Floor
San Francisco, CA 94108
Telephone: (415) 362-3800
Facsimile: (415) 362-2928
Customer No. 23910